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OFFICE OF PETITIONS

In re Application of :
Sheynblat : DECISION ON PETITION
Application No. 10/769,421 :
Filed: January 30, 2004 :
Docket No.: 000740CIPD1 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 26, 2006.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned July 28, 2005 for failure to timely submit a proper reply to the Notice of Allowability ("Notice") mailed April 27, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed October 19, 2005.

Petitioner argues that a response to the Office Action was mailed to the USPTO on July 14, 2005 and has provided a copy of a return postcard dated stamped July 19, 2005 by the USPTO acknowledging receipt of an issue fee transmittal.

Petitioner is advised that while the issue fee was timely submitted, new formal drawings, as required by the Notice were not. Accordingly, the instant application became abandoned for failure to timely submit new formal drawings as required by the Notice. As the copy of the return postcard does not reference the enclosure of new formal drawings, petitioners have failed to establish that a proper response to the Notice was timely submitted.

Any renewed petition must established that new formal drawings were timely submitted on or before July 27, 2005, as required by the Notice.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay in timely submitting a properly reply to the Notice was unintentional or unavoidable pursuant to 37 CFR 1.137(b) and (a) respectively. See MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

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Customer Window, **Mail Stop Petition**
Randolph Building
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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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